

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DENISE BYRD, }  
vs. Plaintiff, }  
McKENZIE TANK LINES, INC., and } CIVIL ACTION NO.  
ALTON JAMES DUPUIS, } 3:05-cv-1175-F  
Defendants. }

**REPORT OF PARTIES RULE 26(f) PLANNING MEETING**

1. Pursuant to Fed.R.Civ.P. 26(f) and the Court's Rule 26(f) Order dated December 13, 2005, the parties conducted a discovery planning meeting on January 4, 2006 via telephone and was attended by:

Charles Day for Plaintiff Denise Byrd.

Andrew M. Thompson for Defendants McKenzie Tank Lines, Inc. and Alton James Dupuis.

The following discovery plan is hereby submitted:

2. Pre-Discovery Disclosures. The parties will exchange by January 23, 2006 the information required by Fed.R.Civ.P. 26(a)(1).

3. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

- (a) Discovery will be needed on the following subjects: All damages and liability issues.
- (b) All discovery commenced in time to be completed by November 15, 2006.
- (c) Limitations on Interrogatories. Maximum of fifty (50) Interrogatories by each party to any other party. Responses due thirty three (33) days after service.
- (d) Limitations on Requests for Admissions. Maximum of twenty five (25) Requests for Admission by each party to any other party. Responses due thirty three (33) days after service.

(e) Limitations on Depositions. Maximum of ten (10) depositions of non-experts by Plaintiff and ten (10) depositions of non-experts by Defendants.

(f) Expert Reports. Reports from retained experts under Fed.R.Civ.P. 26(a)(2) due:

From Plaintiff by March 1, 2006.

From Defendants by April 3, 2006.

(g) Supplements under Fed.R.Civ.P. 26(e) due no later than 30 days from the close of the discovery period.

4. Other Items.

The parties do not request a conference with the Court before entry of the scheduling order.

The parties request a pretrial conference with the Court on or about March 20, 2007.

Plaintiff should be allowed until February 10, 2006 to join additional parties and to amend the pleadings.

Defendants should be allowed until March 10, 2006 to join additional parties and to amend the pleadings.

All potentially dispositive motions should be filed by January 15, 2007.

Settlement cannot be evaluated prior to November 15, 2006.

Final lists of witnesses and exhibits under Fed.R.Civ.P. 26(a)(3) should be due:

From Plaintiff by March 30, 2007.

From Defendants by March 30, 2007.

Parties should have fourteen (14) days after service of final lists of witnesses and exhibits to list objections under Fed.R.Civ.P. 26(a)(3).

The case should be ready for trial by May 1, 2007 and at this time is expected to take approximately five (5) days.

The parties have discussed the potential for a settlement by mediation and have jointly agreed to consider mediation at the appropriate time after discovery. The parties agree however that the case should remain on the trial docket. The parties will request that the mediator make a report to the Court concerning such mediation.

DATE: January 6, 2006

/s/ W. Charles Day, Jr.  
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Attorney for Defendants McKenzie Tank Lines, Inc.  
and Alton James DuPuis

**CERTIFICATE OF SERVICE**

I hereby certify that on this January 6, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Richard E. Broughton  
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